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Hard-Hitting Delaware Ruling Integrates Public Schools

A most significant victory in the fight for integrated public schools has been won in Delaware.

A court of chancery decision handed down April 1 has ordered that Negro children be admitted to the Claymont High School and Hockessin Elementary school, both formerly all-white institutions.

The case in Delaware was much like the Clarendon County, S. C., and Prince Edward County, Va., suits. Plaintiffs representing the Negro children affected charged that segregation in education is itself in violation of the Fourteenth Amendment and that the facilities offered Negroes were inferior to those available to white students similarly situated.

Chancellor Collins J. Seitz, who handed down the ruling, declined a pronouncement on the constitutionality of segregation, declaring:

"While state-imposed segregation in lower education provides Negroes with inferior educational opportunities, such inferiority has not yet been recognized by the U.S. Supreme Court as violating the Fourteenth Amendment.

"On the contrary, it has been by implication excluded as a Constitutional factor. It is for that court to re-examine its doctrine in the light of my finding of fact. It follows that relief cannot be granted plaintiffs under their first contention."

It should be noted that, upon appeal, this case would be the first of its nature to come before the Supreme Court wherein the ruling judge has declared his flat opposition to "traditional" and legislated segregation. "I believe the 'separate but equal' doctrine should be rejected, but I also believe that its rejection must come from . . . (the Supreme) Court," Chancellor Seitz said in his 26-page decision.

Thus the Supreme Court would be placed in the difficult position of **reestablishing** rather than merely affirming Delaware's Jim Crow school system which dates back to the state constitution of 1897.

Concerning the second issue before him, the respective merits of the white and Negro schools, Chancellor Seitz ruled:

DR. FREDRIC WERTHAM
. . . his testimony swayed judge (see p. 2)

"In our Delaware society, state imposed segregation in education itself results in the Negro children, as a class, receiving educational opportunities which are substantially inferior. . ."

He based this assertion on the testimony of experts in the fields of education, sociology, psychiatry and anthropology who were summoned by the plaintiffs and on a personal tour of the schools in question. (Excerpts from the testimony of the noted psychiatrist, Dr. Fredric Wertham, are reprinted elsewhere in this issue.) The state presented no witnesses.

He brushed aside state contentions that there were certain departments in which the Negro schools were superior "because I do not believe a court can say that the substantial factor as to which the Negro school is inferior will not adversely affect the educational progress of at least some of those concerned. Moreover, evaluating unlike factors is unrealistic.

"If this be a harsh test, then I answer that a state which divides its citizens should pay the price."

Under the Constitution, Seitz concluded, the plaintiffs are entitled to relief immediately "in the only way it is available, namely, by admission to the school with the superior facilities. . ." An injunction was issued to this effect.

In other words, Chancellor Seitz did not consider it in his province to decide the constitutionality of segregation, but he could clearly see its unjust effect and he felt it his duty as a judge to right this wrong expeditiously.

Such a vigorous legal redress stands out in sharp contrast with the dilatory tactics of the American Association of Law Schools in regard to racial discrimination among its membership—or, perhaps even more pertinently, with the U.S. Supreme Court's time-consuming demand for "more facts" in the Clarendon Case.

Press Flays Klan But Ignores Cause

The Ku Klux Klan is without a defender among the major Southern press. Klan-style violence as in the Florida murder of Harry Moore or the riots at Cicero, Ill., arouses unqualified editorial horror and condemnation.

But a babe-in-the woods perspective often makes these journalistic voices of wrath ring adolescently shrill.

"How can these terrible things happen?" is the characteristic tone of the press, as if an earthquake or tidal wave were under discussion. Not only do they not see the blighted forest for the poisonous tree, but they forget that a poisonous seed grew the tree—and that such seed is being sown about them every day.

Racial violence is the fruition of racial bias made rank and festering by legalized racial segregation. But journalistic illiteracy in regard to these sociological ABC's can be illustrated by the following items from the Charlotte, N. C. press:

On March 11 the **News** reported the arrest of a 13-year-old boy in connection with the burning of a cross in front of a Negro residence. Attached to the cross was a note telling the occupants to

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'School Segregation Menaces Public Health'

Dr. Fredric Wertham, director of the mental hygiene clinic at Queens General Hospital and senior psychiatrist for the New York City department of hospitals, was one of the expert witnesses summoned by the plaintiffs in the suit attacking the legality of Delaware's segregated schools.

The excerpts from his testimony reprinted below are especially significant for the contention that segregation per se, regardless of the comparative quality of the segregated facilities, is injurious to children's mental health. Therefore, Dr. Wertham declares, segregation is a menace to the health of the entire community.

His findings were based on a series of interviews with 13 Negro and white children aged nine to 16 attending Delaware public schools.

An article summarizing his testimony appears in the American Journal of Psychotherapy, Jan. 1952.

* * *

Now if I look at the question of segregation in public and high schools in general and in the State of Delaware in particular, I would say that according to my opinion and my experiences and my studies this is a public health problem. I mean by that that the fact of segregation is injurious to the mental health of the children affected, and for that reason it is a general public health problem. . .

To come to the Delaware children with whom we discussed these things in general, they have described to us all kinds of physical differences in the Negro schools and the white schools . . .

They have told us that some classes are held in churches because there is no room, and so on.

They have told us that when they have to go on the bus—it is my understanding that there are some buses that are "white"—they have described this, that when they have to wait, then white children sometimes stick their tongues out at them and call them crazy, and so on.

I mention that merely to demonstrate that we have tried to see this from the child's point of view. I, as a doctor, don't see it from that point of view. I have come to the conclusion that the physical differences in these schools are not at all really material, to my opinion.

In other words, if I may express it graphically, if the State of Delaware would employ Professor Einstein to teach physics in marble halls to these children, I would still say everything I have said goes: It is the fact of segregation in general, and the problems that come out of it, that to my mind is anti-educational, by which I mean that education in the larger sense is interfered with. And since for a child education is one part of mental health and not merely a question of learning something, their health is interfered with. . . .

What is the attitude of these children about school segregation? Most of the children we have examined interpret segregation in one way and only one way, and that is they interpret it as punishment . . . They think they are being punished for something which is not explained to them, and certainly not for something that they have done. . . .

I might say I asked one of the children in the group, "Who forbids you to go to these schools?" And I quote—the child says, "The State." And I said, "Who is the state?" And the boy said, "The State is the Government." And I said, "Why does the Government forbid it?" And he said, "That I don't know."

One of the children talked about discrimination in relation to school, and said, "It is only the plain Americans that do that . . . the plain white Americans."

I really didn't quite get it, and the other people didn't quite get it either, so we asked, "Who are the other people?"

And then the children told us about the "other people." Now, the other people are the Poles, the Italians, the Jews, the Catholics, the Dutch and the Germans . . . They all agreed with this child. The "foreigners" treated them well, or better anyway. The Catholics let them go to their schools, the Italians let them go to their restaurants, and whatever the other people did . . . What a division this creates!. . .

Now, the effect of white children identifying themselves with Negro children may not be so very generally known, but we have found that over and over again. I would like to give an example. If we drive along the road in a car and we run over a rabbit, it makes us feel bad, because we identify ourselves with the rabbit. Consciously we may not admit that, but unconsciously that is what we are doing, so it is not so unheard of when I say that many white children at different ages spontaneously identify themselves with these Negro children and feel more or less the same way about it as they do, especially in these certain bad effects.

Now, as for the ones who do not identify themselves with Negro children through various—I call them accidental—reasons for them it creates an illusion of superiority. And the difficulty about that is, where does the reality end and where does the illusion begin?

How is this child, when he becomes an adolescent, even—how is he to find his way ethically in the world if he has been indoctrinated with the illusion of superiority? He inevitably comes into situations where somehow or other his equilibrium will be disturbed and certainly a normal and healthy and correct development will be disturbed.

I can sum up my opinion in this way: Segregation in schools legally decreed by statute, as in the State of Delaware, interferes with the healthy development of children. It doesn't necessarily cause an emotional disorder in every child. I compare it with the disease of tuberculosis. In New York thousands of people have the tubercle bacilli in their lungs—hundreds of thousands—and they don't get tuberculosis. But they do have the germ of illness in them at one time or another, and the fact that hundreds of them don't develop tuberculosis doesn't make me say, "Never mind the tubercle bacillus; it doesn't harm people, so let it go."

Council of Churches Hedges on Race

The National Council of Churches of Christ—representing 29 denominations and 31 million members—ducked a motion which would have put the organization on record for "a non-segregated church and a non-segregated society."

The resolution was tabled until a June 11 meeting as a result of parliamentary action by two Southern ministers. Rev. John S. Land, of New Orleans, representing the Presbyterian Church of the U.S., "dissociated" his members from the proposal, and Rev. John Q. Schisler, of Nashville, urged the postponement, which was approved, 27-14.

Such reluctance to face the racial issue confirms the recent assertion by Dean Liston P. Pope of the Yale Divinity School that churches in America have lagged far behind other groups in this field.

Dr. Pope declared that less than one percent of the Christian congregations in this country have members from more than one racial group—a ratio far outstripped by industry, education, politics and sports.

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Citizens Enter Hospital Fight

As the recent SCEF poll indicated, many hospital administrators would be willing to abandon Jim Crow practices at their institutions—if they thought their community were "ready."

Not many spelled out what signs or portents would convince them of this "readiness," but certainly this stated willingness to meet progress halfway presents a challenge to all decent-minded citizens. For we are sure that if those persons who believe that hospital facilities should be shared democratically banded together and expressed their views to their local health officials, much could be accomplished.

It is therefore with pleasure that we heard from several groups over the country who are doing just this. We have pledged them our cooperation and have listed their names so that others who are interested in taking up the fight might write them.

In addition to the committees previously reported, we are pleased to announce the formation of three new groups. The principals are: Mrs. Pauline Dobbs, Rt. 1, Box 358, Houston, Tex.; Mr. George Fried, Dept. of Zoology, University of Tennessee, Knoxville, Tenn.; and Mrs. Betty J. Richter, 4277 Seebaldt, Detroit, Mich.

'Justice' at Cicero Frees Lax Official

The police chief of Cicero, Ill., indicted by a grand jury for neglect of duty during the infamous riots last July has been acquitted at the direction of a criminal court judge. The hoodlums who destroyed and burned property were either released or lightly fined.

But only with difficulty did the victimized apartment owner and the Negro tenant's lawyers get quashed an indictment against them charging "conspiracy to reduce property values in Cook County."

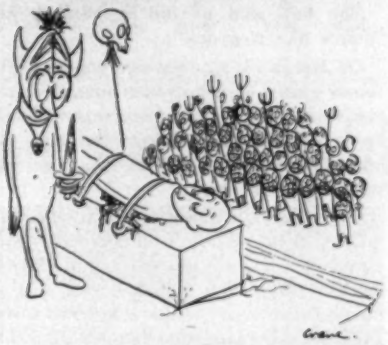
This revolting travesty of justice elicted the following editorial comment in the Louisville Courier-Journal of March 17:

"Cook County has completely dodged its responsibility to keep order and protect the rights of citizens within its area. The only recourse left for people who lost heavily in the affair is a federal court in which the police chief and other officials are to be tried for violating the civil rights of the veteran.

"Thus once more a local community evades its own duty and the federal government offers the only avenue to justice for injured citizens.

"In this part of the world any campaign orator can bring cheers with a ringing reference to government meddling. But the total failure of local responsibility may make the theme sound a little empty."

"We Have to Yield to Public Opinion"



Motive

SIC SEMPER UA.

Virginia's "way of life" has endured some perilous scrapes in its 300-year history.

Most recently, a federal court protected it against the horrors of an integrated public school system by ruling that segregation "rests neither upon prejudice, nor caprice, nor upon any other measureless foundation. Rather the proof is that it declares one of the ways of life in Virginia."

And, in a speech in "Discrimination in Higher Education" (published by SCEF) the eminent sociologist, Dr. E. Franklin Frazier, recalls another near-disaster:

"In 1832 a bill for the abolition of slavery was defeated by one vote in the Virginia legislature. The defeat was owing partly to the testimony of Thomas R. Dew, Professor of History, Metaphysics and Political Law at William and Mary College, to the effect that slavery provided only modus vivendi for the two races in Virginia."

And Dr. Frazier asks, "Cannot those who honestly believe that segregated education is necessary recognize that their arguments rest upon essentially the same assumption?"

TRENDS

The Supreme Court of the Union of South Africa aroused international amazement when it declared unconstitutional a key segment of Premier Malin's "apartheid" program.

The section voided was the disenfranchisement of some 25,000 voters on racial grounds.

Astute observers declared, however, that the British-influenced court was merely harassing Premier Malin's Boer-dominated regime for political reasons. In any case, the setback will probably prove only temporary, as the Hitler of the veldt is preparing legislation which will virtually abolish the court.

* * *

Albuquerque, N. M., has passed an ordinance establishing the right to use public facilities without regard to race or color.

Sponsors of the measure are now combatting a referendum campaign launched by the city's hotel and restaurant associations.

* * *

On the grounds that racial prejudice entered into the trial proceedings, the Texas Court of Appeals reversed the rape conviction of a Houston Negro.

The record showed that the district attorney had made this statement to the jury:

"I am not criticizing the defendant for bringing a witness of the same race. I just want to let you know for the purpose of the record they try to help their own race."

* * *

A visitor to the U. S. from Ceylon, Newspaper Editor Danziel Pieries, had this comment to make concerning his tour of the South:

"Despite the overwhelming generosity of the average American, we as members of the colored peoples are compelled to ask ourselves in the American South this question:

"What would happen to the world if the Americans, with their enormous technical advantages, were to take it into their heads to make this sectional white supremacy their principle of action?"

Council of Churches

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He warned that unless segregation in religious spheres is abandoned shortly, "the greatest truths and faiths of our civilization must be rejected as error or hypocrisy."